

Excerpts from McMartin Preschool Trial

- **Opening Statements**

Deputy District Attorney Lael Rubin:

“[T]his is a case about trust and betrayal of trust . . . trust placed in the hands of Ray Buckey and Peggy Buckey. Parents who will testify will tell you...they didn't ask about activities that were going on at the preschool. They didn't piece together the clues they were getting from their children. These parents will tell you they now understand the importance of listening. The case contains one hundred felony counts...and one count of conspiracy...”

“Betrayal! These innocent children placed their trust in these two teachers and the teachers betrayed them...One mother observed her two daughters performing oral copulation on each other. Another mother saw a sore rectum in her child. She will tell you [her daughter] did not want to go to school, did not want to sit on her father's lap and that she ran through the house singing: 'What you see is what you are/ You're a naked movie star.' One mother will tell you that she saw her daughter masturbating with a wooden pole. One mother will tell you that her children had nightmares. One mother will tell you that her child had a rectal fissure. Another mother will tell you she saw bloody stools when her child went to the bathroom. Then, the people will ask you to bring back verdicts on all one hundred counts.... ”

Dean Gits (counsel for Peggy McMartin Buckey)

“[Deputy District Attorney] Rubin told you this is a case about trust. I'm here to outline Mrs. Buckey's defense. This is not a case about trust. This is a case about victims. It is your job to decide who are the victims, and what I call 'the enemy'It is the theory of the defense that all these people are victims. There is one more victim I will not name, but before this case is over you will know who he is....You will come to know Mrs. Buckey. You will find out she is not a perfect person. Some say she talks too much, that she is nosy. But under all of it you will see a warm and kind heart. You will come to know that Mrs. Buckey does not molest children. She loves children. You will come to know that Mrs. Buckey does not slaughter animals. The D.A. seems to talk about games and mentions that someone dug up a lot, and someone left the school with a bunch of boxes, suggesting that pornography was somehow secreted. You will come to know exactly what was taken out. Also, you will come to know the money that was spent and the people utilized. It's what I call the nonevidence in this case.....The people interviewed included 450 children and 150 adults. Also, forty-nine photo lineups were prepared, bank account records were seized and examined. Eighty-two locations were photographed, one church was investigated. Three churches were implicated, two food markets, two car washes, two airports, and one national park. Thousands of pornographic photographs and movies, confiscated by police, were examined in a search for pictures of the McMartin children. Laboratory tests were conducted of twenty blankets from the school, children's clothing, sheets, rags, and a long list of other items, including mops, kitchen rags, notebooks, soil samples, sponges, animal bones, quilts, underwear, and an archeological dig was conducted. All of these investigations came up negative. They were looking for secret tunnels, trap doors. They conducted surveillance of Ray Buckey, his family, and friends, which consumed 135 hours. They consulted with a satanic expert, U.S. Customs agents. They contacted pedophiles; they checked real estate records, utilities records, relatives, friends, associates of the Buckey family, other possible offenders, vehicles,

uncharged suspects. They attempted a pornography buy. All of this cost more than one million dollars. The results? Zero! We believe the money was well spent. It was well worth it. Everything they investigated and found nothing-- [this is] defense evidence! It was well worth it”

“Between August 17 and September 7, 1983 . . . Detective Hoag will tell you she contacted twelve families, and you can imagine what impact that would have. But the result of the investigation was zero molestation. Peggy's name was never mentioned. So, as of September 7, 1983, there was no molestation. There was a search, and the purpose of the search was to find pornography. So she executed a search warrant. A letter was sent out stating that Ray Buckey was arrested for child abuse. It told the parents 'ask your child. . . .' As of that date, nobody indicated any molestation was going on at that school....”

“Within the CII structure, many things happened that you have to know....And when Kee MacFarlane said a child had been molested, the mother would talk to another mother....The interviewers gave the parent a nine-page questionnaire, and while the parent was filling out the questionnaire, they took the child into a separate room and interviewed the child for an hour, or two hours!....Why did the parents take their children there? They were told that they were experts. They had an impressive building. They had a separate unit called 'Child Abuse Diagnostic Center.' These people must know what's going on. The parents were told and believed they were experts. The interviewer in every case walks in the door and says, 'Mr. and Mrs. [Parent], I have some bad news for you. Your child has been molested.' You will see the tape. Each and every parent was told, 'You have to be supportive of the child.' It is hard to disagree with that, but the result is that it reinforces the child....And they wouldn't look at the whole tape. They would fast-forward so that the parents never saw the denials....the parents were convinced that it happened....You will see that they were referred to a therapist. One of those people was an employee of the very agency that did the evaluation, connected ideologically....The involvement of the CII didn't end there. They brought in an employee of CII, Dr. Heger. She will testify her findings. She will conclude [that] they are consistent with sexual abuse. She will testify the children were molested[but] medical evidence does not exist.”

“You will see from the tape how [a child] testified in the preliminary hearing that she was locked in a closet. There are no closets in the preschool!...You will see how easy it is to think that constitutes evidence of molestation. So simple. So easy. You will hear of trips away from the school and the problem of maintaining the school while all the teachers are away molesting entire classes. The parents did come and go, and yet you will hear of entire classes molested. The 'Naked Movie Star' game. Each of thirteen children spoke of this and not one played the game the same way.”

“There is one more victim, and that last victim is the same as the enemy. And when you get to know this person you will have solved this case.”

Daniel Davis (counsel for Raymond Buckey)

“I have heard negative things about betrayal of trust. There was something very, very wrong about what happened. The truth never really had a chance because children were artificially traumatized by interviewers into falsely believing they were molested....The evidence itself will be a source for you to decide. There are people who are primarily responsible for what is very wrong in this case. . . . What is the effect of telling parents that their child has been molested? If the child has not been molested, could you ever convince the parents thereafter that the child was not molested? Can winning a trial at all costs be consistent with justice?”

“The evidence. . . will tell you that Ray Buckey was not at the school at the critical times....Ray Buckey was not even there at the school when [a boy who accused Buckey] was there. The teachers who have died were not accused. Those who are living were all accused.”

“There were good reasons for people putting their trust in the school. There will be testimony that naked games were played. The children played good, wholesome, healthy games. The children went on field trips. Parents came along. . . . Songs were sung. There was a music environment....There were projects. Individual pieces were put up on the bulletin board. There were drawings and paintings these children did....There were pets. Turtles, rabbits, guinea pigs, dogs, bird feeders. It was a happy environment.”

“Ray Buckey is twenty-nine....When he was at home he kept a number of pets. He is not a person who could likely harm an animal. They secretly taped conversations between Ray and his mother for hundreds of hours, hoping to hear conversations of crimes. Instead, they talked about animals. He began as a teacher at McMartin Preschool in 1981, took classes at UCLA. He became a teacher in 1981 until he was arrested. He was living with his parents. The house he lived in was searched. Ray Buckey rushed to a hiding location and pulled out some pornography and attempted to flush it down the toilet. It was not child pornography. It was pictures of nude adults. He was caught trying to flush it. Nude adults.”

“I am Ray Buckey's attorney and I do speak for him, so I would like to tell you that...[h]e will be testifying. And we ask that you keep an open mind and that you await all the evidence in this case, and that he fully intends to reveal all he knows about the case, and that there may be victims on both sides.....”

“Mrs. Johnson told authorities that [her boy] was molested at a time when Ray Buckey was in jail. He gave no testimony at the preliminary hearing. He was interviewed on videotape by Dr. Gloria Powell. That videotape has disappeared....We were told that [CII] were experts, that they had expert credentials. . . . Kee MacFarlane's only credentials were a driver's license and a welder's license.”

- **Excerpts of Selected Prosecution Witnesses' Testimony**

Mother of Two McMartin Students

Direct Examination by Prosecutor Rael Rubin:

Q: “Did you notice any other behavior [of your daughter] in the evenings?” [the mother had testified that her daughter suffered from nightmares and bladder infections when she was enrolled at McMartin.]

A: “She masturbated a lot. And we noticed that she danced a lot, scantily clad. We discouraged this.”

Q: “Did you notice any strange behavior in [your son]?”

A: “He looked extremely pale.”

Q: “Did he ever come home with clothing that didn't belong to him?”

A: “Yes, he came home wearing somebody else's clothing, with his own clothes in a bag. We were told that he had had an accident....”

Cross-Examination by Dean Gits (Defense counsel for Peggy McMartin Buckey):

Q: “Taking you back to the time when you took your children to McMartin, what was the reputation of the school?”

A: “The reputation was excellent. I checked it out myself.”

Q: “Would it be fair to say you were satisfied that it was a good preschool?”

A: "Yes. I was very close to Virginia."

Q: "During the four years your children attended the preschool did you observe anything improper at the school?"

A: "I wondered why a twenty-year-old male was there with these children."

Q: "Did you know he was the son of Peggy and the grandson of Virginia?"

A: "Yes, I did."

Q: "And you were concerned about the fact that a twenty-year-old male was a teacher?"

A: "Yes, it was of some concern to me."

Q: "Did [your daughter] have any terrible reaction to the school?"

A: "Not at that time."

Q: "On a number of occasions [your son] was pale. When was that?"

A: "Toward the last year he was there."

Q: "Did you take him to a doctor?"

A: "He was always taken to a doctor for regular checkups."

Q: "Were you told that everything was okay?"

A: "Fine."

Q: "During the time [your daughter] attended the school, did she ever say anything bad about the teachers?"

A: "I can't remember."

Q: "You received a telephone call from a friend whose children attended McMartin?"

A: "She told me she got a letter from the Manhattan Beach Police Department."

Q: "After hearing that, did you believe Ray Buckey could have touched kids?"

A: "I thought it was a definite possibility."

Q: "You didn't question the kids?"

A: "No. We talked to each of them and the responses were all negative."

Q: "Did you notice any anxiety or fear?"

A: "I don't remember"

Q: "You told us [that] after talking to them you were satisfied that nothing happened?"

A: "Yes...."

Q: "Did [your daughter] indicate to you that kids were being molested?"

A: "No."

Q: "Did [your daughter] ever indicate to you that kids played naked games?"

A: "No."

Q: "Did you believe kids were molested by Ray Buckey?"

A: "Yes."

Q: "Did you believe that the CII had the power to determine whether children had been molested?"

A: "Yes."

Q: "You spent the whole day at CII?"

A: "Yes."

Q: "And when Kee came out she told you that [your daughter] Melinda had been molested?"

A: "I don't know if that was the word she used but the sense of what she said was that they had been molested."

Q: "Did Kee tell you that it was important to be supportive of [your daughter]Melinda?"

A: "Yes."

Q: "How long was [your son] with Kee?"

A: "An hour and a half."

Q: "After an hour and a half Kee came in and told you the same thing she told you about [your daughter]?"

A: "Yes."

Q: "And she told you to be supportive, same as [your daughter]?"

A: "Yes."

Q: "You and your husband watched [your son's] tape?"

A: "Yes."

...

Q: "Did you attend meetings at community churches?"

A: "Yes."

Q: "How many times?"

A: "Maybe ten."

Q: "And you had conversations with parents after CII?"

A: "Yes."

Q: "It was the talk of the town, right?"

A: "Yes."

Q: "As you walked out of CII you were absolutely convinced that your children were molested?"

A: "Yes...."

Q: "Did you see Ray and Peggy arrested on television?"

A: "Yes."

Q: "And you all got together, and would it be fair to say that the occasion was a party to celebrate the arrest of Ray and Peggy?"

A: "Yes."

Q: "Were refreshments offered to the kids?"

A: "There was food for everybody."

Q: "Were you present at home when Lael Rubin and Gusty Bell talked to [your daughter] on two occasions?"

A: "Yes."

Q: "Was the purpose to go over [your daughter's] testimony for answers in court?"

A: "Yes."

Q: "What was the length of time of these meetings?"

A: "Two or three hours."

Q: "Were transcripts provided?"

A: "Yes...."

Cross-examination by Daniel Davis (Defense counsel of Raymond Buckey):

Q: "If you would, tracing the things most affecting your state of mind as to the belief that your children were molested, can you remember anything before the letter of 1983?"

A: "It caused me to start asking questions I should have started asking long ago."

Q: "Did anything occur before you received the letter that led you to believe that molestation had occurred?"

A: "I did not think of sexual abuse...."

Q: "Do you feel that [your daughter] was molested at that preschool when she went back to visit in 1982?"

A: "I definitely feel she was molested. Not necessarily in 1982."

Q: "Was it because of anything you saw at the preschool?"

A: "No."

Q: "And you definitely feel that [your son] was molested?"

A: "Yes."

Q: "Anything you saw at the preschool that indicated that?"
A: "No."
Q: "What made you feel that [your son] was molested?"
A: "He told me."
Q: "What did you observe that was out of the ordinary at the preschool?"
A: "I noticed [Ram Buckey] was a male. . . . It seemed strange someone his age would want to be working with children..."
Q: "[Your daughter] was interviewed in February 1984?"
A: "Yes."
Q: "And she had a medical examination by Dr. Astrid Heger?"
A: "Yes."
Q: "And she was interviewed by Lael Rubin and Det. Bell on May 8, 1985, and testified in the preliminary hearing in May and June 1985?"
A: "Yes."
Q: "The investigation focused on Ray Buckey?"
A: "Yes."
Q: "And the police were asking parents to make inquiry of the children?"
A: "Probably."
Q: "No one else was named?"
A: "Correct."
Q: "And you began to believe..."
A: "Yes."
Q: "After CII, were more people than Ray Buckey implicated?"
A: "I don't remember."
Q: "From the time [your daughter] went to McMartin to the time she was interviewed by CII was about a six-year lapse?"
A: "Yes."
Q: "Did the kids tell you what they noticed at the school?"
A: "They didn't notice anything out of the ordinary. Ray liked the children."
Q: "Did you feel, when you saw the [CII] video, that you saw evidence of molestation?"
A: "I believe so."
Q: "Little dolls made you feel..."
A: "It wasn't dolls. Its things she said. Body language. She became frightened."
Q: "Do you recall the Ray doll?"
A: "Yes."
Q: "Was it a large, black doll?"
A: "I don't remember."
Q: "Were you convinced of molestation?"
A: "I was convinced both were molested. Everything fell into place."
Q: "You did not see the entire tape..."
A: "That's correct."
Q: "You saw excerpts queued up, the latter part of the video?"
A: "I don't recall."
Q: "Did you see your daughter and son explain on other portions of the tapes that they heard about it from parents and others?"
A: "I don't remember."
Q: "Did Kee suggest that all the kids interviewed had been molested?"
A: "They did tell us that the kids have been molested."

Q: "When you picked up your preschoolers in the afternoon, did you ever see the 'lookout' game played?"

A: "I wasn't aware of it."

Q: "Your daughter told you about the 'lookout' game. What recollection do you have about that?"

A: "She told me the kids had to play and let Ray know, run in and tell Ray when children were picked up."

Q: "When you picked up your kids, were there some adults there?"

A: "Yes."

Q: "Was Ray Buckey there?"

A: "Different places at different times."

Q: "When you picked up your children, were other teachers there?"

A: "Ray, and Betty was there, too."

...

Q: "Was there a time when special prayers were made at a community church for the children involved in this?"

A: "Yes."

Q: "Did you also attend meetings at your church?"

A: "Yes."

Q: "Who was there?"

A: "Families of the children attending the preschool..."

Q: "You indicated that sometimes you were late and sometimes you would come early. Did you see anything that looked like molestation?"

A: "No."

Q: "Would it be fair to say that your belief in molestation is based just on things you heard?"

A: "No. It was based on what my children told me."

Q: "Did you ever go there and find out that you were locked out?"

A: "No."

Q: "Did you ever see any evidence that children were being molested?"

A: "No."

Q: "When you went to CII, did you do anything to inquire into the credentials of the people?"

A: "Objection."

Q: "Sustained."

Q: "And Dr. Heger found that she had been molested?"

A: "Yes, she did..."

Q: "When did you see blankets on the classroom windows?"

A: "In the afternoon when I picked up the children."

Q: "Did you think there was anything unusual about that?"

A: "No, I thought it was for nap purposes."

...

Kee MacFarlane (Director of CII)

Direct Examination by Prosecutor Roger Gunson:

Q: "What is your occupation?"

A: [MacFarlane explains she is a social worker and Director of the Child Sexual Abuse Center at

Children's Institute International, that she received a bachelor's degree in fine arts in Ohio, then decided to discontinue her studies and begin working with children. She received her master's degree in social work in 1947. She further explained that "I was requested by one of my professors to try my hand at writing federal grant proposals. There was a priority announcement for federal funding for child abuse centers, ten of them in the country. And various universities and other organizations were applying for them, and so I was asked to write a grant proposal which hopefully would allow the University of Maryland to be the source of one of these grants and start a child abuse program. The grant was awarded. . . . I helped to organize the people who would run that project."]

...

Q: "Where did you go in 1976?"

A: "To Washington, D.C. I went to join the staff of the National Center on Child Abuse and Neglect. . . . I was asked to come and be a member of the staff of the national center. My job title evolved into 'child sexual abuse specialist.'"

Cross-examination by Dean Gits (Defense counsel for Peggy McMartin Buckey):

Q: "When [name of girl] says she doesn't remember any [naked games] you said, 'I know 'em all because other kids told me.' Do you think that puts pressure on [the girl] to remember games that she might otherwise not remember?"

A: "Yes."

Q: "Do you think that having naked dolls with anatomical parts tends to suggest to the child naked games, naked people?"

A: "No, I don't believe that."

Q: "You made the statement, 'Every kid from the preschool came in and told me.' Do you think that statement puts pressure on a child?"

A: "No."

Q: "You said, 'That's why we wanted to use puppets. We wanted them to get real brave because more than sixty kids have come in and told yucky secrets, and every day more kids come in and tell us what went on down there.' Do you think that statement might put undue pressure on [name of girl] to comply with what other kids said?"

A: "That statement was true."

Q: "And 'we found out all the scary stuff was just a trick to scare the kids to make the kids think that somebody would hurt their moms and dads or hurt them.' 'We found out:' Doesn't that tell the child that you know that something happened?"

Q: "Yes."

A: "In this interview, you are the source of contagion, right?"

[Objection by prosecution sustained]

Q: "All the kids' mommies and dads now know what happened at the school, all the touching, all those sneaky little games.' Do you think by using that statement, and authority figures as sources of knowledge, is putting pressure on her?"

A: "I'm telling her all the parents came to see me and now it's okay."

Q: "Before that did [name of girl] make any statement about touching?"

A: "I don't really remember."

Q: "Well, I'm glad you're not so dumb, Snake.' Do you think by telling [the interviewed girl] that, you are telling her she's dumb if she didn't agree?"

A: "No."

Q: "'The mommies and daddies are so glad the kids are telling [that this stuff happened]' When you say 'this stuff happened,' are you telling Melinda touching happened at the preschool?"

A: "I think I'm trying to tell her I know something happened. I use the word, 'stuff,' on purpose."

Q: "Do you believe these statements tell the children you believe molestation happened at the preschool?"

A: "No."

...

Q: "Now, Snake, I don't think those teachers should still be teaching children, do you?" Do you think that calls for an opinion?"

A: "Yes, I think it calls for an opinion."

Q: "Don't you think it tells [the interviewed girl] the teachers are molesters?"

A: "No. Not at all."

Q: "'Well, Mr. Snake, you and any puppets you want to use can help us figure it out so no more kids will have that yucky stuff happen to them. . . .' Do you think this is one of the most fundamental pressure points? 'All the other kids said it happened.' Parents, Kee, authority figures. Isn't that telling [the interviewed girl] that kids are getting raped and molested? 'Secret police are watching Ray all the time.' Don't you think that statement might influence [the interviewed girl] to believe that Ray is a bad person?"

A: "Yes."

Q: "' . . . and we're gonna make sure that no more kids get hurt.' What did you mean, 'we'?"

A: "I was referring to myself."

Q: "'If you have a good memory like all the other kids.' Isn't that putting pressure on [the interviewed girl]?"

A: "I'm not asking [her] to comply with my statement...."

Q: "'I think we should beat up Mr. Ray. . . . What a bad guy! Don't you think he's a bad guy? He's not gonna do this any more to kids, is he?' Did you encourage [the interviewed girl] to beat up the Ray doll?"

A: "In a manner of speaking, yes."

Q: "Is there a clinical reason for doing that? A therapeutic reason?"

A: "It can be...."

Q: "Looking back on [this] interview. . . do you think Raymond Buckey ever had a fair chance?"

A: "The issue of 'fair' may have to be left to the courts to decide."

Cross-examination by Daniel Davis (Defense counsel of Raymond Buckey):

Q: "You indicated you had training from the FBI."

A: "No, I was the trainer."

Q: "And who trained you before you trained the FBI?"

A: "I attended numerous workshops."

Q: "Did you ever sit down with police officers and did they tell you what law enforcement needs to do in interviewing a child who may have been molested?"

A: "Yes...."

Q: "Do you think that by disrobing a doll and exposing a child to what appears to be an erect penis, that that's suggesting things to the child?"

A: "Well, we worked very hard on the dolls to have them not appear to be an erect, stimulated penis. In fact we tied them down. If you're asking about whether it can ever affect a child, it's one the research of the last five years has been investigating and . . . there's absolutely no evidence in the research that they do that. . . providing incorrect or false information just because they've got these dolls...."

Q: "The reason you used ugly-faced dolls is because you wanted to impress a negative perception of Mr. Buckey. . . and then you go on to use a black doll with funny boobies to represent Peggy Buckey."

Right?"

A: "I couldn't say. . . for the most part children picked the dolls."

Q: "Do you see any harm in telling a child what other children said?"

A: "Harm? Well I can see it can become a problematical issue in legal cases but it doesn't have any effect one way or the other. You cannot say that it is harmful. In fact I did it because I saw a potential for children sitting and clamming up. I did it to prevent that."

Q: ". . . You can't distinguish whether what the child says thereafter is something they actually experienced or something you're telling them other kids said. Isn't that one of the issues?"

[Counsel]: "Objection. Speculation."

"Sustained."

Q: "Didn't you tell [the] grand jury, that you did not tell one child what the other children said? . . . Combining your telling [a child] that 'naked games were played at the school because all the other kids told us,' and then to say 'the kids really didn't tell us, the puppets told us,' what was the combined effect of that?"

A: "What I was trying to do in telling her [that] I already knew was to take from her any burden she might have about the repercussions of telling. . . . I was offering the puppets as a medium to communicate."

Q: "And when you did that, did it occur to you that you might be creating a sort of realm of fantasy in which children might make false accusations in which they believe they're just pretending?"

A: "No. It's a major issue because there's not any data to show that has ever happened. Any! But because it is consistently raised, all of the studies with the use of anatomical dolls have shown that the use of those dolls does not in any way lead to false reports about abuse, and there are now, because of this case and the many other cases in which these issues have been repeatedly raised in court, we now have research that looks into issues of suggestibility. There are five or six articles which address these exact issues which you are raising. And they are debunking the idea that by suggesting to children even leading and misleading questions suggestive of child sexual abuse they are debunking the idea that children just pick up and just repeat it. It's information that I didn't have when I did these interviews. Now, five years later, the research is out there. Numerous studies. . . and the resistance of children to these questions is in the ninety-three to ninety-nine percentile. . . . There is now research on the subject."

Q: "My gosh! It sounds like there have been a lot of current studies that really back up your techniques. . . . Could you be a little more specific please? The name of the author, the title, the date of publication?"

A: "I can't recite that off the top of my head..."

Q: "Just taking the act of a child beating a doll, do you feel there is a difference in interpreting what is going on when a child beats a doll of their own volition, as opposed to a child beating a doll at the suggestion of an adult?"

A: "It can be different. It can be the same. It depends on the child. . . . It may be the same, whether they're invited to do it or whether they do it on their own."

Q: "To the extent that you adopted this doll-beating technique, you cannot direct us to the identity of any child in the McMartin case that initiated it in their own right-right?"

A: "Not off the top of my head."

Q: "And did any of these children, of their own volition, initiate the dollbeating?"

A: "Not that I recall."

...

Q: "Have you ever been tested for your credentials as an interviewer?"

A: "Not that I can think of. . . . Over the last several years I have been one of the trainers. . . . Several years ago, California changed its licensing requirements for psychologists and required that they be trained in the area of child abuse and. . . I've trained a number of these and I also teach a course at USC

which meets the requirements for psychologists....”

Q: “You accept, don't you, that in some of these interviews you urged these little children to beat up on these dolls?”

A: “Yes.”

Q: “And at the beginning of this piece you're introducing the name of a game and the fact it may or may not be a naked game, correct?”

A: “Correct.”

Q: “Don't you feel that that is overly suggestive to a child to tell the child that it's naked?”

A: “Absolutely not!”

Q: “I'd like to explore a little of what you said about children naming names of other children. . . looking at the names in this piece on 'horsey game.' . . . Is this the context in which the child names names of people who played the games?”

A: “We asked the children. That's one way we name names. They pick them out of photographs. That's another way. . . . There are specific places in these interviews where I ask the child, ‘Was this child involved?’ or ‘Did they get touched?’ or ‘Were they naked?’ And if the child confirms those direct questions, I would generally pass that along.”

Q: “As a consequence of this conversation with [the child] about this ‘horsey game,’ did you suggest [that] he might be stupid? Chicken?”

A: “If you're referring again to my talking to the puppets, I described that every way I know how...”

Q: “‘*MacFarlane: All right, Mr. Alligator. Are you going to be stupid?*’ And then you introduce in your words, not his, the ‘naked movie star’ game, correct?”

A: “Yes.”

Q: “And wasn't the essence of what you learned from him that he hadn't seen or heard about this ‘naked movie star’ game until he heard this song?”

...

A: “Well, that's what he said in this segment.”

Q: “And was your response. . . that he was dumb?”

A: “No. That means you're smart.”

Q: “Wouldn't the inevitable impact of this exchange be that any child would figure that you're calling him dumb?”

A: “. . . It was an attempt to reach out [with] the puppets to help the child.”

Q: “After he said he didn't see any 'naked movie star' game, you asked him who took pictures for that game, correct?”

A: “Yeah. I asked him who took pictures of the ‘naked movie star’ game....”

Q: “When you talk about ‘horsey,’ you were the one that added the names of those games and descriptions to that interview, weren't you?”

A: “No. Some of the children said ‘horsey game.’”

Q: “Anyone in this case call it ‘horsey game’ before you mentioned it?”

A: “I don't recall.”

Q: “How about the ‘tickle game’? You're the one who put those words, ‘tickle,’ in, aren't you?”

A: “No!”

Q: “Isn't it very easy for you to say there are lots of unnamed children out there in other interviews, without identifying the child?”

A: “. . . I did not make up a single game. These all came by children or by information I had beforehand.”

...

Q: “You introduced the ‘naked movie star,’ didn't you?”

A: “I'm not disputing that I introduced games....”

Q: "Your technique. . . Miss MacFarlane, is to take perfectly innocent games and convert them, by the insertion of words like 'naked,' and 'yucky' into accusations of crime, isn't it?"

A: "No, it is not."

Q: "Then how do you justify, after he tells you 'tug-of-war,' the introduction of the word, 'naked'?"

A: "I don't think we're talking about the same game. I asked him if any games were played and he says, 'tug of war.'"

Q: "*MacFarlane: Mr. Pacman, do you remember any naked, tie-up games like other kids remember?*"

The child answers, '*No*' How can you justify inserting the suggestion that there were naked tie up games when he just told you about tug-of-war?"

A: "I can justify it by dozens of other children who told me they were tied up naked, showed me with the dolls, told their parents. . . ."

...

Q: "And did you make an effort to force little [name of boy] to make an accusation of oral copulation on my client in that interview?"

A: "Absolutely not."

Q: "*MacFarlane: When Ray comes out, what does Ray do? How does something get in that little hole?*" [Boy]: '*Well, nothing gets in that little hole*' MacFarlane: '*Remember when we figured all that out? That's already in the secret machine?*' [Boy]: '*Do yeah. Lemme think. . .*'

MacFarlane: '*Remember that? How did that get in there? Let's just show how that happened. That'll be easy. And that can be in the secret machine, all gone. How did it happen?*' [Boy]: '*Well, Ray kicked him.*' Does it seem apparent to you at this time, that. . . he's saying nothing happened to his bottom?"

A: "No. It doesn't seem apparent. It seems to me that he's having a hard time with those questions. . . ."

Q: "What you were really trying to do was to get him to demonstrate sodomy with the dolls so you could show it to the parents. Wasn't that really what you were doing?"

A: "Mr. Davis! I never set out to try to prove to three hundred plus parents that I could make them believe by looking at some segment of tape that their children had been molested! I wanted them to see what I saw because they know their kids better than I did. . . so they could know in their own minds whether something happened to their children..."

...

• Excerpts of Selected Defense Witnesses' Testimony

Dr. Michael Maloney

Direct Examination by Defense Attorney Dean Gits:

...

Q: "When you started to look at the [CII] tapes, initially, did you come to any initial conclusion with respect to the interview techniques utilized by CII?"

A: "Yes, I came to several after watching perhaps five or six tapes in their entirety. . . . One conclusion was that the interviews were clearly led by the interviewer rather than focused on the child, or the interviewee. And the other was that the vast amount of verbiage, or words said, were said by the interviewer, not by the children. Another observation was that these children indeed could talk and did seem quite willing to talk at the outset of the interview, and there did not appear to be a need for that kind of approach. In fact, that kind of an approach would be counterproductive in the sense that the interviewers were saying too much, and providing too much information, what I would refer to as a 'stage setting.'"

...

Q: "Was it your conclusion that the number of words used by the interviewer were too many?"

A: "Yes, definitely. . . . I'm really talking about the ratio of words between the interviewer and the interviewee, the child. Given the premise that the goal of this kind of interview is to get information from a child, to learn about their experiences, their memories, what has been done with them, then we want to hear the child talk. And if the child is able to talk and is willing to talk, the interviewer's job is to facilitate that and get them to talk."

Q: "Doctor, would it be fair to say that you are going to find children who are too scared to talk, so the interviewer has to talk more?"

A: "They were verbal kids. They seemed relaxed. They were talking. So there did not appear to be any basis for taking over the interview."

Q: "So the interviewer spoke more. What's wrong with that?"

A: "There are many things. One is that you are presenting a template, or a design for what's going to happen. You're communicating to the child: 'I'm gonna talk. I'm gonna ask questions. Your job is to sit back and follow my lead. . . .'"

Q: "Why is that wrong?"

A: "Because you avoid being able to learn from the child, in the child's own language, what their experience is, how they organize their own history, their own memories."

Q: "Why is that bad?"

A: "Because your task really is to find out that information. What is this child saying? What does the child remember? The more you use an interviewer to effect that, or provide them with information, that could contaminate them, the less you can rely on anything you get out of them. . . . These interviews did not flow in the direction of the child. In other words, typical child evaluation interview, you let the child talk, and you follow their lead. You keep them speaking. In these interviews the kids all were machined through the exact same process. Toward the end of that process they were being asked very direct and almost coercive questions about sexual behavior. At those times some of the children became fairly nonverbal and were simply pointing and did so in a somewhat passive way and sometimes even in a questioning way."

Q: "Did you form any opinion as to whether these children were such that numerous questions by the interviewer were inappropriate?"

Q: "In all cases, yes. . . . As I was saying previously, one of the first observations I made was that the interviewers were doing the vast majority of verbal output. And there are reasons why that could be very problematical in an evaluation interview."

...

Q: "Can you tell us what else you did with respect to your analysis of the interview techniques of the CII tape?"

A: "The next step I took was to categorize various aspects of these interviews and classify the type of behavior that was occurring, the type of inter-change between the interviewer and the child."

Q: "Can you tell us how you went about that?"

A: "Several different ways. My first impression when I watched the very first tapes was that these were done in some systematic way. These were not interviews that followed the lead of the child. I watched probably forty or fifty tapes of different children and developed what I have referred to as a script. And what I was trying to do in reviewing those tapes was to isolate out certain kinds of activities, behaviors, statements made by the examiners to all or most of the children."

Q: "Why do you call it a script?"

A: "The reason I called it a script is that in interviewing children the focus is on the child. The opposite of following the child is following some kind of predetermined program....It was if they were reading a script. . . ."

Q: "Can you tell us, doctor, what's wrong with the script?"

A: "The very concept of using a program or a script in an interview of a child is wrong in the sense that it is putting in the interview situation material from the interviewer rather than obtaining spontaneous information from the child. The more that's done the less you will be able to conclude about the child's behavior and statements."

Q: "But doesn't that depend, doctor, on the particular child at hand?"

A: "It certainly depends on the particular child. . . . Generally the same script was used for all the children. That simply underscores that it was programmed that way. It was planned that way."

...

Q: "What's wrong with it? Why is it wrong?"

A: "Several things. First is that there does not appear to have been any consideration from the cognitive development of the children. Second, there is no consideration of the relative brightness of the children and the relative fluency of the children, the sex of the children. They are all considered, at least by implication, as a homogenous mass that you must treat the same way. . . ."

...

Q: "Would it be improper in your opinion to conduct an interview of a child for child sexual abuse without doing some kind of analysis as to the cognitive development of the child?"

A: "I believe it generally would because the cognitive evaluation provides you the additional data to assess what a child is saying. The bottom line of all this is: the child is saying something. How would we know why they're saying it? Is it their own experience or did it occur some other way?"

...

Q: "Can you tell us what particular things you observed that were repeated from child to child that led you to believe that there was a script being utilized?"

A: "In almost all cases the interviews started with drawing a picture that was typically outlined by the interviewer. After that there was a procedure where they went into naming body parts, the specific focus being on the sexual body parts. There was then an introduction of so-called anatomically correct dolls, with the focus again on sexual body parts of the dolls. There was an introduction of pictures of students and teachers from the school, where persons were identified by the examiner and by the child with specific focus on certain teachers in the school, and sometimes the child himself. There was an introduction of puppets as a method of presenting information. There was an introduction of the nature of these dolls, that they were dolls that you could not find in a store. There was an introduction of variously referred to 'yucky,' 'sneaky,' 'tricky' games. There was an introduction of Ray Buckey being a bad person, surveilled by police. There was an introduction of ejaculation in terms of Ray Buckey, and what that might look like, taste like, and so forth. Those items were in almost every case here and in many others as well.I would like to add, however, in a number of these tapes, there is something going on. You don't see a picture of a child walking in, and an examiner walking in and sitting down. They are already in process, so something could have happened before. I don't know what. But when they are sitting down in this phase, they are drawing a picture of the person, frequently out-lined by the examiner."

Q: "Is there something wrong with what occurred in that type of interaction?"

A: "The first thing that I would suggest that is wrong about that is that there is a subtle communication- and sometimes not so subtle- that what is going to happen between these two people is going to be controlled by the interviewer. And what you want is information that is controlled and generated by the interviewee, the child."

...

Q: "You talked about naming body parts as something that gradually evolves from this situation. Can you tell us what's wrong with naming body parts?"

A: "In isolation, nothing. The primary problem with that is that the end result of this identifying body parts is to identify the sexual body parts. In almost all cases, that's where it ends. At that point in the

interview the child[ren have], typically, said zero about their own sexual experiences. But they have been directed to talk about genitalia and other so-called private parts. Again, in doing that, you run the risk of stage-setting. . . . It also presents data that the children may not know. There are a lot of the children, four, five, six, that have not been able to say what even the difference between a boy and a girl is."

Q: "Wouldn't naming body parts be an appropriate activity if you were simply trying to determine the terminology used by the children? . . . Would it be appropriate at that point?"

Q: "No. . . because it's setting the stage that we are talking about sexual matters. . . . Once you do that you never know what they know before you got to that point."

A: "Couldn't that kind of activity be justified by virtue of the interviewer wanting to use the same terms that the child used?"

A: "You could argue that. But what I'm saying is that you are presenting that as a topic when the child never spontaneously brought it up."

...

Q: "Can you tell us what other aspects of these interviews constituted a script?"

A: "Yes. Another one related to the dolls is a scenario wherein there is a presentation that these dolls 'help us figure it out.' Now that word, 'it,' has several different references but it is usually vague. But that kind of specific statement was used with most of the children."

Q: "What's wrong with that?"

A: "Many things. The first one is the way that it is presented. There is an implication, if not a statement, that there is something wrong. At this point, from the children, we don't know if there's anything wrong or not. But saying, 'These dolls help us figure out some of these things,' presents the idea that there is something there that needs to be figured out. So that's a stage setting behavior as well. There's ground laid that we're going to have to work on something here. In some cases there's something much more specific about that, saying that negative things happened. There are words like 'yucky' used very frequently in these statements. . . . Secondly, there is a game-playing quality to this. Before the dolls were being used to identify body parts to look at, this time, we're using the dolls as an intermediary. The dolls will help us figure it out.' This is where you could really get into the risk of a fantasy problem. You are removing responsibility from the child. You're not saying to that child, 'I want you to only tell me what you know.' You're saying, 'We can use the dolls. They'll help us.'"

...

Q: "Are there other areas and portions of the script that you have identified?"

A: "Yes. Another portion of the script would be the presentation of photos of either classes or teachers or students at McMartin."

Q: "What is there about that that is improper?"

A: "The risk that this technique runs, and the potential harm it causes, is that it could be looked at as a teaching and rehearsal strategy, rather than a strategy wherein an interviewer independently determines what a child remembers....What usually is involved when this is done is, photos are pulled out, regarding the child, usually, and the class that the child was in . . . photos of the school, and the technique is to say, 'Well, let's look at this. Do you remember some of these people?' Now if the child spontaneously says, 'Yes. This is so-and-so. . . 'and they recall them, I don't see much harm in doing that. There are some cases, however, where children said they didn't remember who they were. Sometimes they would misidentify people. And then they were corrected in that regard. The risk that you're running here is that you're not getting a spontaneous recall from the child. . . . The role in this kind of interview is to try to obtain spontaneous information from children. . . . Once a child identifies someone, verbally, in a spontaneous way, I think it might be a good procedure to go back and say, 'Is this who we're talking about?' If you do it the other way around there is a contamination or a potential for a contamination that you can't rectify."

...

Q: "Are there other areas that you've identified as 'script'?"

A: "Yes. . . which I have titled, 'Mention of Children Who Have Attended CII.' Children who had been evaluated there before. And I could give some of these examples. . . what we're talking about here is statements wherein the interviewers say, 'All these kids have been here before.'"

Q: "What's wrong with that?"

A: "That, in isolation, I wouldn't say there's something specifically wrong, other than that there starts to be a cumulative effect that something of a major nature went on. . . . There is also a social pressure and coercion in that they don't just say that all these kids have been here. They tend to say that all these kids have been here and they've told us all these yucky things. There's another part of the script and it's integrated with this part of the script."

...

Q: "You talked about an element of coercion in this kind of technique. How is that coercive?"

A: "They are saying, 'All of your mates have told us these secrets.' There becomes an expectation that the child should do the same."

Q: "What danger could that have on the propriety of the interview?"

A: "It does present that expectation and there are data available to indicate that adults and kids do respond to social pressure."

Q: "Couldn't that be justified on the theory of an attempt to put the child at ease?"

A: "It could be . . . [if] the child manifested anxiety. . . . But if you do it before that. . . there's no way to get back to spontaneity. You've already laid out that part."

...

Q: "Any other aspects to the script you've isolated or identified?"

A: "Yes. There is a part that presents the puppets as a vehicle for telling secrets. . . . You know what we have here are puppets, and they really help us. The kids don't even have to do it."

Q: "What's wrong with that?"

A: "Well, from a purely clinical point of view. . . it's an inappropriate start-off technique. . . . It tends to decrease personal responsibility. 'The puppets tell us. The kids don't have to say anything.'"

...

Q: "Any other areas of the script you've noted?"

A: "Yes. The next one I have is titled, 'Kids Have Been Scared.' It's a statement that ties in with mention of the kids to CII, but it adds information that either kids have been scared to talk or that kids simply have been scared."

Q: "The interviewer provides the information. What's wrong with that?"

A: "It is what I would describe as 'stage-setting.' If you're trying to obtain information from a child, once you say that, it's difficult to determine whether that child himself has been scared or is simply responding to that kind of a statement."

...

Q: "Did you, in your view of the videotapes, . . . note any behavior that would indicate anxiousness on the part of the children?"

A: "I don't recall any."

...

Q: "What about the next area?"

A: "The next area is titled, 'The Secret Machine.'"

Q: "Could you tell us what that area involves?"

A: "It's an instruction to the children that if they have a secret they can say it into the microphone. . . and they tell them that the secret will go down the wire and into a box and will be gone forever, or they won't have to worry. . . . First, it can be confusing. . . . I don't know if there's any clarity as to what that word

really means to children. . . . If these children were molested, if they were traumatized, it's simply a misrepresentation. It wouldn't go away.'"

Q: "And would you go into the next area of the script?"

A: "There is a part that I have titled, 'Older Kids/ Younger Kids.'"

Q: "Would you tell us what that involves, please?"

A: "There's a fairly systematic statement given to the children that the older kids are very helpful because they are able to give a report the younger children can't give. They are better detectives. They are smarter. They need to help out the younger kids....It is an inducement to the children to talk. It presents some external pressure, and in some cases the pressure is relatively severe. . . . You run the risk of telling the children that if they don't say something they are not smart, they are not like the other, older kids, and they are not helping out the younger children. All of that could be subsumed under the implication of stage-setting: 'This is what everybody else did. Who is not bright? Who is older? Who is helping?'"

...

Q: "What is the next area of the script that you've isolated?"

A: "It's an area called 'Secret Policeman.'"

Q: "Generally, what does that area involve?"

A: "It involves a fairly specific description that Ray Buckey is being surveilled. . . . It identifies him as a bad person....Some of the things were quite direct in that area: 'He needs to be watched.' 'He needs to be put in jail.' . . . It identifies him as a bad person who needs watching. There's no other explanation."

...

Q: "The next area, please."

A: "'Naming of Dolls.' It deals with an interaction between the interviewer and the child where they are looking at these dolls. I believe in almost all cases the dolls were unclothed. And they are saying who played the game and they want to identify these dolls as various players. The players have been identified by the pictures. That's generally this part of the script....They now take these dolls and use them as a personification of these people. In almost all the cases that we have here, Peggy is identified as the fattest one. They use that kind of terminology and the kids call her 'Miss Piggy.' So the dolls are derogatory. Then they use the introduction of these people as derogatory as well."

Q: "And your next area, doctor?"

A: "This is 'Names Introduced.' This is a general category that involves the examiner presenting to the child some idea that certain games were played at the school. The games are typically referred to as 'sneaky' or 'tricky' or 'naked.' It presents the child with that information. They're essentially telling them that this is what happened. If you have a child [who] did not have that experience, the impact may be that within the context of the interview the child may say yes, that something happened. . . . It's an information-giving technique."

Q: "And the final category?"

A: "The final category I have titled 'Stuff Out Of Ray's Penis.' It involves a series of quite direct questions about Ray ejaculating and certainly the implication is made to the kids of oral copulation. I don't recall any child saying that Ray ejaculated before this was brought up. . . . The children simply didn't say anything about it. The second thing about it was to me the most ridiculous set of questions in the whole interview because they start off and they use, with the majority of the children, the same terms. 'Did it taste like candy?' 'Did it taste like strawberry?' 'Did it taste like pizza?' 'Did it taste like chocolate?' This has already been identified with the penis area of the Ray doll. Children of that age. . . think of that as an area of excretion."

Q: "If you would take these scripts that you have isolated or identified here, how would you characterize them in terms of the propriety of the interview?"

A: ". . . With that many things wrong, with that significant amount of negative influence, I would say

that these were very inappropriate interviews for this purpose....I think the risk that you run, very strongly in this case, is getting kids to acquiesce in saying things, or point to things that we are not sure of at all. There's a great deal of pressure on them to do that. . . . In evaluation for sexual abuse, this would be an inappropriate way to proceed for all the reasons I have given. . . in summary, it presents information to the children that we don't know if they had or did not have before. It tells them that things happened at the school. It gives the general nature of the things. It presents the players in the situation and, essentially, presents all the pieces to a puzzle. And there was very strong motivation for the children to solve the puzzle. The motivation comes out of things like, 'Are you smart or dumb?' 'Are you a good detective?' 'Are you going to please your mother and father?' And then, finally, it gives a vehicle for solution, which are these puppets, these dolls. So what you're doing is presenting a situation that you could take with any children, and not know why you got the results you got out of it, no matter what their experience was before that."

...

Q: "Are there, or could there be, factors occurring to a child before a CII interview, that might affect the child's response, both in the CII interview and later?"

A: "Sure."

Q: "Hypothetically, what factors might affect a child's report at a CII interview?"

A: "Any interaction with other persons that dealt with the same type of material. Multiple interviews, or any interviews. Now, it's presented to them by other persons. Siblings, family members, police officers, any information. . . ."

...

Q: "Doctor, are you aware of any recognized body of experts in the field of interview methodology who espouse the interview techniques that you've isolated in th[ese CII interviews]?"

A: "No."

Peggy McMartin Buckey

Direct Examination by Defense Attorney Dean Gits:

Q: "Did you ever molest any of those children?"

A: "Never."

Q: "Did you ever touch them on any part of their bodies for the purpose of sexual gratification either of yourself or of anybody else?"

A: "No."

...

Q: "Were you ever naked in front of these children?"

A: "No."

Q: "Did you ever make any of these children get naked?"

A: "No."

Q: "Did you ever make any of these children get partially naked?"

A: "No."

Q: "Did you ever transport any of these children off the school grounds for the purpose of molesting them?"

A: "Never."

Q: "Did you ever transport any of these children off the school grounds for the purpose of permitting other adults to touch them?"

A: "No."

Q: "Did you ever transport any of these children off the school grounds for the purpose of engaging in satanic acts at a church?"

A: "Never."

...

Q: "Did you ever see any person molest these children while you were at the preschool?"

A: "Never."

Q: "Did you see anything at the preschool that ever once gave you the slightest suspicion that any of those children were being molested in any manner whatsoever?"

A: "Never."

...

Q: "...why was it that you hired your son, Raymond, as an aide at the preschool?"

A: "'He was my son, and he was interested in working with children. And I felt he had the potential of being a good teacher."

Q: "Was there a particular teacher that was assigned to be present with Raymond in the afternoon hours?"

A: "Yes, it would have been Betty [Raidor]...."

Q: "When did you first become aware that you were a suspect?"

A: "I never did find out until I was arrested."

...

Cross-examination by Lael Rubin (Prosecutor):

Q: "You told the court that, as director of the preschool, you were interested in having your son work at the preschool because he had some interest in working with children and that he had the potential to be a good teacher, correct?"

A: "Yes."

Q: "What was it at the time that caused you to believe that he had an interest in working with children?"

A: "He had a very gentle, loving way with children, which you need when you work with children."

[Counsel]: "Your honor, I move to strike the answer as nonresponsive."

[Court]: "Overruled. The answer will stand."

...

Q: "And were you surprised when your son. . . offered to work at the McMartin Preschool?"

A: "Yes."

Q: "And why were you surprised?"

A: "Because he had never been interested before."

Q: "Did you ask him about his qualifications?"

A: "No."

Q: "Is there a reason you didn't ask him about his qualifications to work with children?"

A: "Yes."

Q: "And what was that?"

A: "If you employ someone and you feel they have the potential to be a good teacher, they take certain courses, and that is what I told him he would have to do."

Q: "And from the time your son became employed at the preschool, was he taking courses?"

A: "Yes."

...

Q: "Now, you told us there are requirements essential for working with children. . . how would you define that?"

A: "First, you have to care for children. You have to love children. Ray was very gentle. He had a wonderful rapport with children."

...

Q: "And you had the belief that it was okay for Raymond Buckey to be in the preschool and not wear underwear?"

A: "I do not remember that."

Q: "You heard your husband testify that you said that women don't wear bras, so it's no big deal. Do you remember that?"

A: "Yes."

Q: "And what did you say?"

A: "I see nothing wrong with not wearing underwear."

Q: "Why not?"

A: "Many of the young men who came to our house did not wear underwear. Kids at the beach did not wear underwear. Lots of them."

Q: "And did you. . . see their genitals?"

A: "I never saw anybody's genitals."

...

Q: "Now, Mrs. Buckey. . . did you recognize that there may be a difference between not wearing underwear at the beach and not wearing underwear at the preschool?"

A: "Never gave it a thought."

...

Q: "Now, with a child sitting on his lap and his not wearing underwear, might that make it easier for a child to touch his genitals?"

A: "No...."

Q: "Now one of the differences might be that having a child sitting on your son's lap and his not wearing underwear might make it easier for him to get aroused, correct?"

A: "No."

Q: "Are you aware that [name omitted] grabbed your son in his penis or had you heard that she grabbed your son in his penis?"

A: "I certainly did."

Q: "Was that something that you observed?"

A: "No."

Q: "How was it that you heard that?"

A: "My son told me."

Q: "And how was it that your son told you that?"

A: "I asked my son if anything happened at the school. . . so I could tell the parents."

Q: "And after asking if anything happened, what were you told?"

A: "That [name omitted] grabbed him in the genitals through his clothes."

Q: "And what did your son say?"

A: "He told me that he told her she shouldn't do that...."

Q: "Now at the time your son told you about [name omitted] grabbing his genitals, did he tell you that ----- was sitting on his lap?"

A: "All I remember is that he just told her not to do that again. He did not make a big thing of it to the child."

...

Q: "When you checked, that one time, you saw he did have a hard on, correct?"

A: "He certainly did not!"

Q: "Would you agree it is an unusual event when the director of a preschool checks her son for an erection?"

A: "I told you I did it one time and one time only. It's such a dumb question!...It had to do with his being male."

...

Q: "Now, from the thirtieth or thirty-first of August, within the next few days after that, on the second of September, that was when your residence was searched, correct?"

A: "Yes."

Q: "And before the search actually began, you told one of the police officers that 'You can't believe little kids. They'll lie.' Correct?"

A: "I do not recall saying that."

Q: "Mrs. Buckey, showing you this document, I would ask you to read the end of the first paragraph. . . . And doesn't that refresh your recollection that, shortly after Det. Hoag arrived at your residence, you remarked that 'You can't believe little kids. They all lie.'?"

A: "I do not remember saying that."

Q: "Mrs. Buckey, if Det. Hoag put that in her police report, would that be untrue?"

A: "It certainly would be. She lied about a lot of things...."

Ray Buckey

Direct Examination by Defense Attorney Daniel Davis:

...

Q: "You heard Arthur describe your mother as being in her bra at the preschool. . . . Did you ever see anything like that at the preschool?"

A: "No."

Q: "From what you know of your mother, is she the type of person who would do that at the preschool?"

A: "She would not even do it at home."

[Counsel]: "Objection."

[Court]: "Sustained. The answer is stricken."

...

Q: "Have you ever touched a child to arouse or obtain sexual gratification?"

A: "No."

Q: "Have you ever knowingly exposed your penis to a child?"

A: "No."

Q: "Did you ever hurt [name of alleged victim]?"

A: "No."

...

Q: "Have you ever been a member of any type of network of child molesters or involved in the sale or production of kiddie porn?"

A: "No."

Q: "Have you ever seen kiddie porn?"

A: "No."

Q: "Did you ever put your finger into the vaginal opening of a child?"

A: "No."

Q: "Did you ever kill a horse with a baseball bat?"

A: "No."

...

Q: "Have you ever been in the men's room at the Red Carpet Car Wash?"

A: "No."

Q: "Have you ever been inside the women's room at the Red Carpet Car Wash?"

A: "No...."

Cross-examination by Prosecutor Lael Rubin:

Q: "Did you tell George Freeman that you screwed Peter in the ass?"

A: "No, and I don't use your kind of language, Miss Rubin...."

Q: "Did you have sexual intercourse with Barbara?"

A: "Yes, we did."

Q: "Mr. Buckey, did you see that portion of a [D.A.] report that states that Barbara said that she did not have sexual intercourse with you that night?"

A: "Yes."

Q: "Would you describe your sexual relationship with Barbara?"

A: "In which location?"

Q: "The Fantasy Motel."

A: "Sexual intercourse."

Q: "Is there any reason that Barbara would say that you did not have sexual intercourse with her?"

A: "I'm sure she has her reasons. I'd like to hear them."

...

Q: "Are you aware of the fact, Mr. Buckey, that Barbara has told district attorney investigators that she tried to seduce you but that you wouldn't be seduced?"

A: "I believe the report says that. I don't know her reasons...."

...

Q: "Mr. Buckey, isn't it true that your mother told you to get rid of Barbara?"

A: "I know she wasn't happy that I had a woman living in my apartment with me. The whole family wasn't too happy about it."

Q: "Why is that?"

...

A: "It was their morals. I didn't think it was immoral....I was very much in love with Barbara." Q: "Mr. Buckey, do you have a belief that child molesters do not have relationships with adult females?"

A: "It's common sense. If you have a perversion for children you wouldn't have a desire for female adults."

Q: "Is that your belief based on your experience?"

A: "What experience?"

Q: "Having a perverted interest in children and therefore not having an interest in women?"

A: "... I can't imagine it. ... It's like mixing apples and oranges. It's like homosexuality. You wouldn't have an interest in females."

Q: "Have you met or heard about individuals who are bisexual?"

A: "I've heard of it but I can't imagine it."

Q: "Now, isn't it true, Mr. Buckey, that in order to counter a claim that you had a sexual interest in children, you came up with and fabricated this account of sexual intercourse with Barbara?"

A: "I have no sexual desire for children, never had and never will...."